



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

NOV 10 2016

CERTIFIED MAIL 7011 3500 0003 2064 3834  
RETURN RECEIPT REQUESTED

Parker Hannifin Corporation  
Mobile Climate Systems Division  
ATTN: Mr. Rodney Maronay  
Regional Environmental Health and Safety Manager  
1620 Highway 6 East  
Batesville, Mississippi 38606

Re: Notice of Violation and Opportunity to Show Cause Pursuant to Section 309(a) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a) for Parker Hannifin Corporation, Batesville, Mississippi; MSP090042 issued by the State of Mississippi

Dear Mr. Maronay:

On March 25, 2014, the U.S. Environmental Protection Agency Region 4 performed an inspection of Parker Hannifin Corporation's facility (Facility) located at 1620 Highway 6 East in Batesville, Panola County, Mississippi. The purpose of the inspection was to evaluate Parker Hannifin Corporation's compliance with the requirements of Sections 301 and 307(d) of the Clean Water Act (CWA), 33 U.S.C. §§ 1311 and 1317(d); the regulations promulgated thereunder at 40 C.F.R. Parts 403 and 433; and Permit No. MSP090042 issued to the Facility by the State of Mississippi, effective May 2, 2011 and expiring April 30, 2016.

The EPA's inspection and subsequent investigative efforts have revealed that Parker Hannifin Corporation failed to comply with Section 301 of the CWA, 33 U.S.C. § 1311 and 1317(d), and its implementing pretreatment regulations at 40 C.F.R. Parts 403 and 433, and its Permit. Specifically, the EPA hereby notifies Parker Hannifin Corporation, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), of the following findings of violations:

1. Failure to report/record initial compliance with categorical standards.

Within 90 days after commencing a discharge to a Publicly Owned Treatment Worker (POTW), a new source is required to report and maintain record of the self-monitoring information on its compliance with pretreatment standards, per 40 C.F.R. §§ 403.12(d), 403.12(g), 403.12(l) and 403.12(o).

Ninety days after commencing discharge to the POTW in April 2011, the Facility did not submit a report to the State of Mississippi of its initial compliance with the categorical pretreatment standards in 40 C.F.R. § 433.17. The Facility has also not maintained the required record demonstrating its initial compliance with these pretreatment standards.

2. Failure to submit periodic reports on continued compliance with categorical standards.

Pursuant to 40 C.F.R. §§ 403.12(e), 403.12(g), 403.12(l) and 403.12(o), any industrial user subject to categorical pretreatment standards must submit to the State of Mississippi, and maintain its own records of, additional periodic compliance reports at least twice a year on its compliance with categorical standards and other information.

From April 2011 until September 19, 2014, the Facility has not submitted to the State of Mississippi, or maintained its own records of, self-monitoring reports of compliance with the categorical pretreatment standards in 40 C.F.R. § 433.17.

3. Failure to comply with permit conditions.

Pursuant to 40 C.F.R. § 403.10, an industrial user holding a permit containing pretreatment standards and requirements must comply with its permit. The Facility holds Permit No. MSP090042 that includes the following pretreatment standards and requirements:

Condition No. T-24 of the permit requires "Any facility expansion, production increases, process modifications, changes in discharge volume or location or other changes in operations or conditions of the permittee which may result in a new or increased discharge of waste, shall be reported to the Permit Board by submission of a new application for a permit pursuant to Chapter One, Section II.A. of the Mississippi Wastewater Regulations, or if the discharge does not violate effluent limitations specified in the permit, by submitting to the Permit Board a notice of a new or increased discharge." Parker Hannifin Corporation should have notified the Permit Board in April 2011 when it started using the "Technoclean" product.

Until compliance with the CWA is achieved, Parker Hannifin Corporation is considered to be in violation of the CWA and may be subject to enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This Section provides for the issuance of administrative penalty and/or compliance orders and the initiation of civil and/or criminal actions.

The EPA also requests that representatives of Parker Hannifin Corporation contact the EPA within seven (7) business days of receipt of this letter to arrange a meeting in this office to show cause why the EPA should not take formal civil enforcement action against Parker Hannifin Corporation for these violations and any other potential violations, including the assessment of appropriate civil penalties. In lieu of appearing in person, a telephone conference may be scheduled. Parker Hannifin Corporation should be prepared to provide all relevant information with supporting documentation pertaining to the violations, including but not limited to any financial information which may reflect an inability to pay a penalty. Parker Hannifin Corporation has the right to be represented by legal counsel.

All information submitted must be accompanied by the following certification that is signed by a duly authorized company official in accordance with 40 C.F.R. § 403.12(l):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for



submitting false information, including the possibility of fine and imprisonment for knowing violations."

Please be aware that the EPA may use information provided during the meeting or telephone conference in any enforcement proceeding related to this matter. Failure to schedule a show cause meeting may result in a unilateral enforcement action against Parker Hannifin Corporation. Notwithstanding the scheduling of a show cause meeting, the EPA retains the right to bring further enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319, for the violations cited therein or for any other violation of the CWA.

Please contact Mr. Brad Ammons at (404) 562-9769 to arrange a show cause meeting or if you have any questions or concerns. Legal inquiries should be directed to Ms. Kavita Nagrani, Associate Regional Counsel, at (404) 562-9697.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Giattina".

James D. Giattina  
Director  
Water Protection Division

cc: Mr. Tim Aultman  
Mississippi Department of Environmental Quality



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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ATLANTA, GEORGIA 30303-8960

NOV 02 2016

CERTIFIED MAIL 7015 1730 0001 8044 3439  
RETURN RECEIPT REQUESTED

City of Charlotte  
Attn: Mr. Barry Gullet  
Director, Charlotte Water  
Administration Division  
4222 Westmont Drive  
Charlotte, North Carolina 28217

Re: Information Request – Section 308 of the Clean Water Act  
NPDES Permit Nos. NC0024937, NC0024945, NC0030210, NC0024970, and NC0036277  
Sugar Creek Wastewater Treatment Plant (WWTP), Irwin Creek WWTP, Mallard Creek Water  
Reclamation Facility, McAlpine Creek Wastewater Management Facility, and McDowell Creek  
WWTP

Dear Mr. Gullet:

Pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318, the U.S. Environmental Protection Agency hereby requests the City of Charlotte (the City) to provide the information set forth in Enclosure A regarding the facilities noted above and their associated sanitary sewer collection systems. The City is required to respond to this information request within 30 days of its receipt of this letter. The response should be directed to:

Ms. Sara Janovitz  
U.S. Environmental Protection Agency, Region 4  
NPDES Permitting and Enforcement Branch  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

The City's response to this information request should specifically reference the particular section and number of the request and should be organized for the purpose of clarity. In addition, all information submitted must be accompanied by the following certification signed by a responsible City official in accordance with 40 C.F.R. § 122.22:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my

knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to comply with this information request may result in enforcement proceedings under Section 309 of the CWA, 33 U.S.C. § 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for the falsification of any response to the requested information.

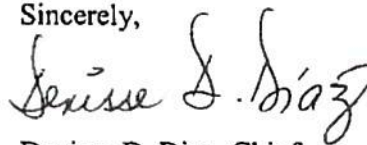
The City shall preserve until further notice all records (either written or electronic) which exist at the time of receipt of this letter that relate to any of the matters set forth in this letter. The term "records" shall be interpreted in the broadest sense to include information of every sort. The response to this information request shall include assurance that these record protection provisions were put in place, as required. No such records shall be disposed of until written authorization is received from the Chief of the NPDES Permitting and Enforcement Branch at the U.S. EPA, Region 4.

If you believe that any of the requested information constitutes confidential business information, you may assert a confidentiality claim with respect to such information except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure B.

Also enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* which may assist you in understanding the compliance assistance resources and tools available. However, any decision to seek compliance assistance at this time does not relieve the City of its obligations to EPA or the State of North Carolina, does not create any new rights or defenses, and will not affect EPA's decision to pursue enforcement action.

If you have questions regarding this notice and information request, please feel free to contact Ms. Sara Janovitz at (404) 562-9870.

Sincerely,

A handwritten signature in dark ink, appearing to read "Denisse D. Diaz". The signature is fluid and cursive, with the first name "Denisse" and last name "Diaz" clearly distinguishable.

Denisse D. Diaz, Chief  
NPDES Permitting and Enforcement Branch  
Water Protection Division

Enclosures (3)

cc: Mr. Jeff Poupart  
North Carolina Department of Environmental Quality



## ENCLOSURE A

### SSO PROGRAM City of Charlotte, North Carolina

1. Provide the following:
  - a. The size of the City's Sanitary Sewer Collection System (SSS) (linear feet or miles);
  - b. A list of the pump stations in the SSS, including size (gpm), and indicate if back up power is available and if it is adequate to fully operate the pump station;
  - c. A list of all constructed overflow points (any unpermitted constructed discharge points) in the SSS (including pump stations) prior to the headworks of the City's WWTPs;
  - d. The average design flow of the City's WWTPs;
  - e. The peak design flow of the City's WWTPs;
  - f. The annual average flow of the City's WWTPs; and
  - g. The population served by the City's WWTPs and their respective SSSs.
2. For purposes of this Information Request, a sanitary sewer overflow (SSO) is an overflow, spill, release, or diversion of wastewater from the SSS. SSOs include overflows or releases of wastewater that reach waters of the United States (U.S.); overflows or releases of wastewater that do not reach waters of the U.S.; and wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other than a building lateral. Wastewater backups into buildings caused by a blockage or other malfunction of a building lateral that is privately owned is not an SSO.

Provide a listing of all SSOs that occurred from November 2011 to the present. For each SSO provide the following:

- a. Date(s) of the SSO;
- b. Time (and Date if other than a. above) when the City was notified that the SSO event occurred;
- c. Time (and Date if other than a. above) when the City (or contractor) crew responded to the SSO;
- d. Time (and Date if other than a. above) when the SSO ceased;
- e. Time (and Date if other than a. above) when corrective action was completed;
- f. Location of the SSO, including source (pump station, manhole, etc.);
- g. Ultimate destination of the SSO, such as surface waterbody (by name, if available), storm drain leading to surface waterbody (by name, if available), dry land, building, etc.;
- h. Volume of the SSO;
- i. Cause of the SSO such as grease, roots, other blockages, wet weather (infiltration and inflow), loss of power at pump station, pump failure, etc.;
- j. Corrective actions taken to stop the SSO; and
- k. Corrective actions taken to prevent this or similar SSOs in the future.

If available, please provide the above information in a Microsoft compatible spreadsheet format.

3. If the City has a formal written plan for responding to, addressing, and reporting SSOs (i.e., a Sewer Overflow Response Plan ("SORP")), provide a copy of the plan.
4. Provide a copy of any additional City procedures not included in the SORP (as referenced in Question 3 above) for the following activities:
  - a. Documenting SSOs;
  - b. Estimating SSO volume;
  - c. Identifying root causes of SSOs;
  - d. Containment and clean-up of SSOs, including any specific procedures addressing backups into buildings caused by mainline problems;
  - e. Identifying wet weather related SSOs and reconnaissance of these during rain events; and
  - f. All reporting of SSOs to the permitting authority, the State of North Carolina.
5. Provide the name of the person (or position title) responsible for each of the activities identified in the City's SORP and/or listed in Question 4 above.

## ENCLOSURE B

### RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS (40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

40 C.F.R. §2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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NOV 18 2016

CERTIFIED MAIL 7015 1730 0002 0524 3853  
RETURN RECEIPT REQUESTED

Ms. Glenda L. Dean  
Director, Water Division  
Alabama Department of Environmental Management  
1400 Coliseum Boulevard  
Montgomery, Alabama 36130

Re: Notice of Violation No.: 309-2017-01  
National Pollutant Discharge Elimination System Permit No.: AL0049921  
City of Millbrook Wastewater Treatment Plant

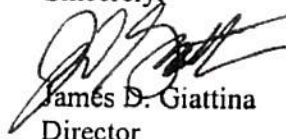
Dear Ms. Dean:

Pursuant to Section 309(a)(1) of the Clean Water Act, 33 U.S.C. § 1319(a)(1), the U. S. Environmental Protection Agency Region 4, has determined that the City of Millbrook (City) is in violation of its National Pollutant Discharge Elimination System Permit No.: AL0049921 (Permit) for the City of Millbrook Wastewater Treatment Plant and has violated, at a minimum, effluent requirements for the parameters summarized here: Total Suspended Solids (TSS), TSS Percent Removal, and Total Nitrogen Ammonia. The EPA is simultaneously notifying the City of these findings through the issuance of a Notice of Violation (NOV). A copy of the NOV to the City is enclosed for your convenience and record.

If the State of Alabama (State) commences appropriate action within 30 days of receipt of this letter to ensure that the City achieves expeditious compliance with its Permit, additional involvement by the EPA may not be required. However, if the State does not take such action, the EPA may then take the necessary steps to require the City to come into compliance. Please advise the EPA within 15 days of receipt of this letter of the action(s) you plan to take in this matter to ensure that the City achieves expeditious compliance with its Permit requirements. If a formal enforcement action is taken, please provide a copy of the applicable documents for our records.

If you have questions regarding this notice, please contact Mr. Maurice Horsey, of my staff, at (404) 562-9764 or via e-mail at [horsey.maurice@epa.gov](mailto:horsey.maurice@epa.gov).

Sincerely,



James D. Giattina  
Director  
Water Protection Division

Enclosure

cc: Ms. Daphne Lutz  
Alabama Department of Environmental Management



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

NOV 18 2016

CERTIFIED MAIL 7011 3500 0003 2064 3872  
RETURN RECEIPT REQUESTED

The Honorable Al Kelley  
Mayor of Millbrook  
Millbrook City Hall  
3390 Main Street  
Millbrook, Alabama 36054

Re: Notice of Violation No.: 309-2017-01  
Information Request pursuant to 308 of the Clean Water Act  
National Pollutant Discharge Elimination System Permit No.: AL0049921  
City of Millbrook Wastewater Treatment Plant

Dear Mayor Kelley:

Pursuant to Section 309(a)(1) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a)(1), the United States Environmental Protection Agency hereby notifies the City of Millbrook (the City) that it has violated its National Pollutant Discharge Elimination System, Permit No.: AL0049921 for the City of Millbrook Wastewater Treatment Plant (the Plant). Specifically, the City's Plant has violated the Permit's effluent limits for Total Suspended Solids (TSS), TSS Percent Removal, and Total Nitrogen Ammonia as listed in the Enclosure.

The EPA requests, pursuant to Section 308 of the CWA, 33 U.S.C. §1318, that the City provide a written explanation of the reasons for each of the aforementioned violations, and any other effluent violations that may have occurred from November 1, 2016, to the present, and provide a summary of actions taken or planned by the City to correct the problems and prevent future violations. In instances where the actions are planned, please include a schedule for completing the actions.

The City must submit this information within 30 days of receipt of this correspondence. The submittal must be addressed to:

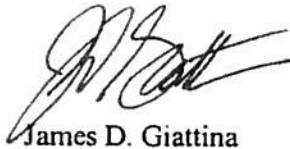
Ms. Laurie Jones  
U.S. Environmental Protection Agency, Region 4  
NPDES Permitting and Enforcement Branch  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

The State of Alabama is being concurrently notified of these findings. The EPA is coordinating with the State to ensure that timely and appropriate enforcement action is taken and compliance with the conditions of the Permit is achieved.

If these violations are not resolved in a timely or appropriate manner, and/or the City fails to respond to the Information Request, the EPA may take enforcement action, which may include issuance of an administrative order, assessment of administrative penalties or initiation of a civil judicial action pursuant to Section 309 of the CWA, 33 U.S.C. §1319.

If you have questions regarding this notice and information request, please contact Ms. Laurie Jones at (404) 562-9201 or by email at [jones.laurie@epa.gov](mailto:jones.laurie@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "J. Giattina", with a stylized flourish at the end.

James D. Giattina  
Director  
Water Protection Division

Enclosure

cc: Ms. Glenda Dean  
Alabama Department of Environmental Management



# DMR Summary

11/1/2011 12:00:00 AM to 11/1/2016 12:00:00 AM

Permit AL0049921

| Permit Name       | Version Nbr | Curr. Major Minor Status | Issue Date | Effective Date | Expiration Date |
|-------------------|-------------|--------------------------|------------|----------------|-----------------|
| City of Millbrook | 0           | Major                    | 1/30/12    | 2/1/12         | 1/31/17         |

Version # 0

Outfall 0013

00530 Solids, total suspended / Location 1 / Season 0 / Base

| Limit Start Date | Limit End Date | Sample Type | Frequency of Analysis |
|------------------|----------------|-------------|-----------------------|
| 2/1/12           | 1/31/17        |             |                       |

| Limit            |                |                |                      |                      |
|------------------|----------------|----------------|----------------------|----------------------|
| Limit Unit Desc  | Pounds per Day | Pounds per Day | Milligrams per Liter | Milligrams per Liter |
| Statistical Base | MO AVG         | WKLY AVG       | MO AVG               | WKLY AVG             |
| Limit Value      | 575            | 863            | 30                   | 45                   |
| DMR Values       |                |                |                      |                      |
| 2/28/15          | 598.51         | 2386.02        | 42.29                | 168.17               |
| 7/31/15          | 588.21         | 2298.03        | 69.88                | 272.83               |
| 12/31/15         |                | 1142.61        |                      | 85                   |
| 1/31/16          |                |                |                      | 55.5                 |
| 2/29/16          | 637.67         | 1394.73        | 45.17                | 102                  |
| 3/31/16          | 728.38         |                | 74.07                | 54.83                |
| 7/31/16          |                |                |                      | 93.83                |

00610 Nitrogen, ammonia total [as N] / Location 1 / Season 0 / Base

| Limit Start Date | Limit End Date | Sample Type | Frequency of Analysis |
|------------------|----------------|-------------|-----------------------|
| 2/1/12           | 1/31/17        |             |                       |

| Limit            |                |                      |                      |
|------------------|----------------|----------------------|----------------------|
| Limit Unit Desc  | Pounds per Day | Milligrams per Liter | Milligrams per Liter |
| Statistical Base | MO AVG         | MO AVG               | WKLY AVG             |
| Limit Value      | 191            | 10                   | 15                   |
| DMR Values       |                |                      |                      |
| 10/31/15         |                | 11.308               |                      |
| 5/31/16          |                | 14.135               |                      |
| 6/30/16          |                | 22.11                | 25.533               |
| 7/31/16          |                | 21.713               | 25.343               |
| 8/31/16          | 213.64         | 27.178               | 29.443               |
| 9/30/16          |                | 19.613               | 21.877               |

81011 Solids, suspended percent removal / Location K / Season 0 / Base

| Limit Start Date | Limit End Date | Sample Type | Frequency of Analysis |
|------------------|----------------|-------------|-----------------------|
| 2/1/12           | 1/31/17        |             |                       |

| Limit            |          |
|------------------|----------|
| Limit Unit Desc  | Percent  |
| Statistical Base | MO AV MN |
| Limit Value      | 85       |
| DMR Values       |          |
| 7/31/15          | 75       |
| 2/29/16          | 80       |
| 3/31/16          | 72       |

11/14/16 12:54 PM